

Motion for leave to amend complaint CASE 0:19-CV-02521-DSD-KMM

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CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

UNITED STATES DISTRICT  
COURT DISTRICT OF MINNESOTA

MOTION FOR LEAVE TO AMEND COMPLAINT

Pursuant to Rule 15 ( a) of the **Federal Rules** of Civil Procedure , Plaintiff ("La Treka Jones") moves the Court for leave to file an **Amended** Complaint substantially in the form attached as Exhibit A in order to assert additional claims for relief and affirmative defenses against Defendant ("Capella University, et al.,") and states as reasons therefor:

1. Plaintiff La Treka Jones commenced this action on or around September 13, 2019. Plaintiff La Treka Jones sought a civil rights suit of the Court regarding breach of **contract** and negligence, in connection with her dismissal from **program** . On or around September 15, 2017, that certain of Plaintiff's La Treka Jones was wrongfully expelled without proper appeal of Capella committee.

2. On October 18, 2017, Plaintiff La Treka received incorrect appeal information from Capella University senior learners affairs advisor. She provided the wrong conference call date information. I was the only participant on the line for quite some time and no one ever joined the line. In regards to my conference call, I later received information that this same office had the wrong spelling of my name with no corrections provided.

3. Therefore after this continued miscommunication from Capella University learners affairs advisor, I was advised to contact the Minnesota Office of Higher Education regarding the problems I had experienced. But only received ongoing

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JUL 23 2020

U.S. DISTRICT COURT MPLS

unresolved resolutions and other disabled student complaints including wrongful treatment at Capella Online University.

4. Including how the Psychology instructor Julie Johnson of my final degree core capstone Project course, (PSYC4900) wrongfully submitted my assignment without my knowledge and authorization for final grading to the Turnitin system. In which the 3rd party vendor and operator rules states instructors cannot submit through Turnitin, without the student's knowledge. It also mentions instructors can ask their students to submit directly to Turnitin, but they cannot require them to do so. However this action for reviewing my final assignment was wrongfully taken away from me.

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5. This suit has not been scheduled for trial. No appeal in this action is pending. Discovery in this matter has not been concluded. Discovery is Plaintiff La Treka Jones anticipates that no significant delay will result if the instant **motion** be granted for leave to amend complaint.

6. Defendant Capella University, et al., would not be prejudiced if the instant **motion** were granted because it is presumably aware a due process is within my civil rights.

7. La Treka Jones Prose Project counsel has contacted (*Kathryn Fodness*), Defendant's counsel. At this time, Defendant's counsel is unable to state whether Defendant would object to the instant **motion**. 8. Pursuant to Local Rule 9(a) 1, a memorandum of law accompanies this **motion**.

WHEREFORE, Plaintiff La Treka Jones moves the Court to grant it leave to **amend** its complaint substantially in the form attached hereto as Exhibit A.

PLAINTIFF

La Treka Jones  
v.

DEFENDANTS  
Capella University, et al.,

This cause came to be heard on **motion** of ("La Treka") for an order **amending** the Complaint pursuant to Rule **15** (a) of the **Federal Rules** of Civil Procedure.

IT IS  
ORDERED:

That La Treka Jones serve on Capella University, et al., through its counsel, with a copy of the **amended** complaint by regular mail and file the **amended** complaint within **fifteen** days after entry of this order.

July 18, 2020

**Motion for leave to amend complaint CASE 0:19-CV-02521-DSD-KMM**

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **Motion** for Leave to **Amend** Complaint was sent via first class mail, postage prepaid, this 18th day of July, 2020 to:

Lathrop GPM LLP

500 IDS CENTER

80 SOUTH EIGHT STREET

Minneapolis, MN 55402

Kathryn  
Fodness  
*Attorney*